

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 14-25  
VAR2014-0001 – 721 Matanzas Court

WHEREAS, applicant Ernest Bartlett, authorized agent for Jesse Schmid, is requesting a variance from Sec. 26-71(c)(1) and Sec. 26-71(d)(2) of the Town of Fort Myers Beach Land Development Code to reconstruct an access walkway 7'4" in width where 4 feet is otherwise permitted, to rebuild a 295 square foot terminal platform where 160 square feet is otherwise permitted, and to allow an existing 7'8" setback for the terminal platform where 25 feet is otherwise required; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 24-46-23-W2-0050C.0100 and the legal description of the subject property is attached as Exhibit A; and

WHEREAS, the subject property, 721 Matanzas Court is located in the 'Residential Single-family' zoning district of the Official Zoning Map and the 'Low Density' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 9, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on November 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The Town Council **DENIES** the requested variances from the following sections:

1. Sec. 26-71(c)(1) and Sec. 26-71(d)(2) to reconstruct an access walkway 7'4" in width where 4 feet is otherwise permitted, to rebuild a 295 square foot terminal platform where 160 square feet is otherwise permitted, and to allow an existing 7'8" setback for the terminal platform where 25 feet is otherwise required.

**FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

A. There **are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or the request **is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Andre, and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor  
Rexann Hosafros  
Summer Stockton

AYE  
AYE  
AYE

Dan Andre, Vice Mayor  
Alan Mandel

AYE  
AYE

DULY PASSED AND ADOPTED THIS 3rd day of November, 2014.

By: 

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: 

Gray Robinson  
Town Attorney

ATTEST:

By: 

Michelle Mayher  
Town Clerk

**Exhibit A**

**Legal Description  
VAR2014-0001**

**721 Matanzas Court  
24-46-23-W2-0050C.0100**

THAT PART OF LOTS 10 AND 11, BLOCK C, UNIT NO. 2, ISLAND SHORES, ACCORDING TO PLAT BOOK 9, AT PAGE 25, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE CORNER COMMON TO SAID LOTS 10 AND 11, ON MATANZAS COURT RUN WESTERLY FOR 20.13 FEET ALONG THE ARC OF THE SOUTHERLY SIDE OF LOT 11 FOR 20.13 FEET; THENCE RUN NORTHEASTERLY ALONG A LINE MARKING AN ANGLE OF 10 DEGREES 41 MINUTES TO THE RIGHT FROM PARALLEL TO THE WESTERLY LINE OF LOT 11, FOR 69.5 FEET; THENCE DEFLECT 8 DEGREES 46 MINUTES TO THE LEFT AND RUN 120 FEET MORE OR LESS TO THE WATERS OF MATANZAS PASS; THENCE RUN SOUTHEASTERLY ALONG SAID WATERS FOR 73.5 FEET, MORE OR LESS, TO A POINT 7.5 FEET EAST OF THE PROLONGATION OF A LINE MARKING AN ANGLE OF 3 DEGREES 33 MINUTES TO THE RIGHT OF THE ORIGINAL LOT LINE COMMON TO SAID LOTS 10 AND 11; THENCE SOUTHWESTERLY, 200 FEET, MORE OR LESS, TO THE MONUMENT COMMON TO LOTS 10 AND 11 AND THE SOUTHWEST END OF SAID LOTS TO THE POINT OF BEGINNING; TOGETHER WITH THE PERPETUAL USE OF A FIVE FOOT WALKWAY FROM THE COUNTY ROAD TO THE BEACH OVER THE EASTERLY FIVE FEET OF LOT 15, ISLAND SHORES, UNIT NO. 3, AS PER PLAT OR PLAT IN PLAT BOOK 9, AT PAGE 27; ALSO THAT PORTION OF LOT 10 OF ISLAND SHORES SUBDIVISION, UNIT 2, LYING NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE; BEING AT THE CORNER OF LOTS 9 AND 10 ON THE RIGHT OF WAY OF MATANZAS COURT FOR POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE LOT LINE BETWEEN LOTS 9 AND 10 A DISTANCE OF 68.91 FEET TO A CONCRETE MONUMENT; THENCE DEFLECT LEFT 30 DEGREES 41 MINUTES 15 SECONDS AND RUN NORTHERLY 158.05 FEET MORE OR LESS, TO THE WATERS OF MATANZAS PASS.